

# Hecker Fink LLP

NEW YORK | WASHINGTON, DC | LOS ANGELES

350 FIFTH AVENUE | 63<sup>RD</sup> FLOOR  
NEW YORK, NEW YORK 10118

TEL (212) 763-0883 | FAX (212) 564-0883  
WWW.HECKERFINK.COM

DIRECT EMAIL: [mmiller@heckerfink.com](mailto:mmiller@heckerfink.com)

July 15, 2025

**BY ECF**

The Honorable Arun Subramanian  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: *Mahmoud Khalil, et al. v. Columbia University, et al.*,  
No. 25-cv-02079-AS (S.D.N.Y.)

Dear Judge Subramanian:

We write on behalf of Defendants Trustees of Columbia University in the City of New York and Acting President Claire Shipman (together, “Columbia” or “the University”) to provide the Court and the parties with an update concerning recent developments. Earlier this evening, as part of the University’s ongoing anti-discrimination efforts, the University announced Additional Commitments to Combatting Antisemitism. A copy of the University’s announcement is attached as Exhibit 1 and available at <https://president.columbia.edu/news/our-additional-commitments-combatting-antisemitism>.

As one of the Additional Commitments, the University announced that its Office of Institutional Equity would incorporate the International Holocaust Remembrance Alliance (“IHRA”) definition of antisemitism into its Anti-Discrimination and Discriminatory Harassment Policies & Procedures for Students (the “Anti-Discrimination Policy”). This approach is consistent with the policies and practices of many peer institutions,<sup>1</sup> as well as applicable guidance from the Department of Education’s Office for Civil Rights (“OCR”) from 2021 and 2024, advising schools to consider the IHRA definition of antisemitism and its accompanying examples to the extent that

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<sup>1</sup> See, e.g., Spencer Davis, *Barnard to Hire Title VI Coordinator, Prohibit Negotiations with Protest Groups, Offer Free Classes at JTS as Part of Antisemitism Lawsuit Settlement*, Colum. Daily Spectator (July 7, 2025), <https://www.columbiaspectator.com/news/2025/07/07/barnard-to-hire-title-vi-coordinator-prohibit-negotiations-with-protest-groups-offer-free-classes-at-jts-as-part-of-antisemitism-lawsuit-settlement/>; Ada Perlman et al., *Yale Adds Contested Antisemitism Definition to Discrimination Policy*, Yale Daily News (Apr. 8, 2025), <https://yaledailynews.com/blog/2025/04/08/yale-adds-contested-antisemitism-definition-to-discrimination-policy/>; Tovia Smith, *Harvard Agrees to Adopt a Broad Definition of Antisemitism to Settle Two Lawsuits*, NPR (Jan. 22, 2025), <https://www.npr.org/2025/01/22/g-s1-44170/harvard-antisemitism-lawsuits-settlement>.

any such examples might be useful as evidence of discriminatory intent.<sup>2</sup> Although this change impacts arguments previously advanced by Columbia that this definition had not been adopted, ECF 84 at 12-13; ECF 118 at 13-14, 24-25, it does not alter other aspects of the Anti-Discrimination Policy, described in detail in Columbia’s most recent brief. ECF 118 at 15-16. For instance, the Anti-Discrimination Policy continues to provide that it may not be construed “to abridge academic freedom, principles of free speech, or the University’s educational mission,” and it continues to require a highly-fact intensive “totality of the circumstances” analysis in determining whether a policy violation has occurred. ECF 120-2, at 4, 6.

The Additional Commitments announced by the University also include its intention to appoint Title VI and Title VII Coordinators, to conduct additional training on antisemitism, and to affirm its zero tolerance approach to discrimination and harassment.

We will continue to keep the Court and the parties updated as to any additional relevant factual developments. As previously noted, the University continues to engage in discussions with the Agency Defendants about restoring federal funds that have been cut and resolving regulatory inquiries, and those discussions remain ongoing. ECF 118 at 25-26.

Respectfully submitted,



Marshall L. Miller

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<sup>2</sup> See, e.g., Off. for C.R., U.S. Dep’t of Educ., *Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics* 17 n.34 (May 7, 2024), <https://www.ed.gov/media/document/colleague-202405-shared-ancestrypdf-35100.pdf>; Off. for C.R., U.S. Dep’t of Educ., *Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR’s Enforcement of Title VI of the Civil Rights Act of 1964*, at 2 (Jan. 19, 2021), <https://www.ed.gov/media/document/faqs-executive-order-13899-combating-anti-semitism-and-ocrs-enforcement-of-title-vi-of-civil-rights-act-of-1964-2021-33939.pdf>.